



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,681	12/10/2001	Yoshimichi Kudo	16869S-038800US	9306

20350 7590 07/05/2005

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER
----------

PAN, JOSEPH T

ART UNIT	PAPER NUMBER
----------	--------------

2135

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/006,681

Applicant(s)

KUDO ET AL.

Examiner

Joseph Pan

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10 December 2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-8, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichimura (U.S. Pub. No. 2001/0023484), and further in view of Linnartz (U.S. Patent No. 6,314,518).

#### Referring to claim 1:

i. Ichimura teaches:

A stream data recording and playback apparatus comprising:

interface means for transmitting and receiving stream data and data for control (see figure 12, elements 13, 21; and page 9, paragraph [0151], lines 1-3 of Ichimura);

a built-in or removable recording medium for recording received data (see figure 16, element 6; and page 11, paragraph [0175], line 6-9 of Ichimura);

encrypting means for performing a scramble process of data to be transmitted (see figure 12, element 12 of Ichimura);

decrypting means for performing a de-scramble process of the received data (see figure 12, element 22 of Ichimura),

whereby the key information for the scramble process or de-scramble process is interchanged by performing, through said interface means, an authentication process between the present apparatus and another apparatus for transmission or reception of stream data (see page 1, paragraph [0016], last two lines of Ichimura). And a copy control information field is added to the stream data to be transmitted (see figure 5, field name "Track Attribute"; and page 6, paragraph [0108], line 10 of Ichimura).

ii. Ichimura teaches the claimed subject matter: Ichimura teaches a method to transmit stream data to recording and playback apparatus. However, Ichimura does not explicitly mention that the copy control information might be changed depending on whether the data remains to be kept or deleted after transmission. Linnartz discloses a system for copy protecting content information wherein the copy control information changes state during recording (see column 5, lines 18-19 of Linnartz).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Linnartz into the system of Ichimura to change the copy control information during recording.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Linnartz into the system of Ichimura. In this case, the recording drive system would detect the "one-copy" state and modify the first state or record an additional state on the recordable media to indicate that the content is now copy protected (i.e., "no-more-copy"). Subsequent detection by the above control system would prevent recording and allow playback (see column 5, lines 26-32 of Linnartz).

Referring to claim 2:

Ichimura and Linnartz teach the claimed subject matter: a method for transmitting stream data to recording and playback apparatus. Linnartz further discloses that the copy control information is used to prevent a plurality of copies from being made, but it allows playback (see column 5, lines 26-32 of Linnartz).

Referring to claim 4:

Ichimura teaches the claimed subject matter: a method for transmitting stream data to recording and playback apparatus. Ichimura further discloses that more

than one channel can be used in transmitting the stream data (see figure 5, fields "Data for channel 1", "Data for channel 2"; and page 5, paragraph [0090] of Ichimura).

Referring to claim 5:

i. Ichimura teach the claimed subject matter: a method for transmitting stream data to recording and playback apparatus. However, Ichimura does not specifically mention that when the second channel carries on to transmit data for recording, the first channel is broken.

ii. Linnartz discloses a system for copy protecting content information wherein the copy control information contains "copy-once" information (see column 5, lines 10 of Linnartz).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Linnartz into the system of Ichimura to have the copy control information to control the access of the data.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Linnartz into the system of Ichimura. In this case, the recording drive system would detect the "one-copy" state and modify the first state or record an additional state on the recordable media to indicate that the content is now copy protected (i.e., "no-more-copy"). Subsequent detection by the above control system would prevent recording and allow playback (see column 5, lines 26-32 of Linnartz).

Referring to claims 6, 7, 8:

These claims have limitations which are similar to those of claim 5, thus they are rejected with the same rationale applied against claim 5 above.

Referring to claim 13:

i. Ichimura teaches the claimed subject matter: a method for transmitting stream data to recording and playback apparatus. However, Ichimura does not specifically mention that the copy control information is changed depending on whether the data remains to be kept or is deleted from the recording medium after read out.

Art Unit: 2135

ii. Linnartz discloses a system for copy protecting content information wherein the copy control information changes state during every passage of a playback and recording device (see column 5, lines 18-19 of Linnartz).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Linnartz into the system of Ichimura to change the copy control information during every passage of a playback and recording device.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Linnartz into the system of Ichimura. In this case, the recording drive system would detect the "one-copy" state and modify the first state or record an additional state on the recordable media to indicate that the content is now copy protected (i.e., "no-more-copy"). Subsequent detection by the above control system would prevent recording and allow playback (see column 5, lines 26-32 of Linnartz).

Referring to claims 14, 15:

Ichimura and Linnartz teach the claimed subject matter: a method for transmitting stream data to recording and playback apparatus. Ichimura further discloses that the recording medium typically is an optical disc, a magneto-optical disc, a magnetic disc, a magnetic tape or the like (see page 11, paragraph [0176], lines 1-3 of Ichimura).

3. Claims 3, 9, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichimura (U.S. Pub. No. 2001/0023484), and further in view of Kawamoto (U.S. Pub. No. 2001/0023487)

Referring to claim 3:

i. Ichimura teaches the claimed subject matter: a method for transmitting stream data to recording and playback apparatus (see claim 1 above). Ichimura further discloses that transmission channel is used to transmit the stream data (see page 5, paragraph [0090], lines 7-9 of Ichimura). However, Ichimura does not

Art Unit: 2135

specifically mention that the authentication between the present apparatus and an apparatus other than the transmission destination apparatus is rejected during the data transmission.

ii. Kawamoto discloses a method wherein a receiver terminal, other than the receiver terminal registered in the authentication server process, may be rejected for login requirement (see page 1, paragraph [0015], lines 1-8 of Kawamoto).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Kawamoto into the system of Ichimura to reject the authentication request from other apparatus during the data transmission.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Kawamoto into the system of Ichimura to reject other authentication request during the data transmission to prevent a plurality of copies from being made.

Referring to claim 9

Ichimura, and Kawamoto teach the claimed subject matter: a method for transmitting stream data to recording and playback apparatus. Ichimura further discloses that IEEE-1394 specifications specify that there are two different packets transmitted through a communication cycle from the source apparatus to the destination apparatus. One of the packets is for communication data, and the other packet is for transmitting information such as a control command (see page 5, paragraph [0089], lines 13-22 of Ichimura).

Referring to claim 16

This claim has limitations which are similar to those of claim 3, thus it is rejected with the same rationale applied against claim 3 above.

Referring to claim 17, 18

These claims have limitations which are similar to those of claim 9, thus they are rejected with the same rationale applied against claim 9 above.

Art Unit: 2135

4. Claims 10-12, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichimura (U.S. Pub. No. 2001/0023484), further in view of Kawamoto (U.S. Pub. No. 2001/0023487), and further in view of Linnartz (U.S. Patent No. 6,314,518)

Referring to claim 10:

i. Ichimura and Kawamoto teach the claimed subject matter: a method for transmitting stream data to recording and playback apparatus (see claim 3 above). However, Ichimura and Kawamoto do not explicitly mention that the apparatus has the functionality to search for the start position of the data to be transmitted.

ii. Linnartz discloses a drive which has an information reading means, e.g. an optical read head (see figure 5, element 53; and column 7, lines 24-25 of Linnartz). It is well known in the recording art that a read head can start, pause, or seek a specific position in a recording medium.

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Linnartz into the system of Ichimura and Kawamoto to include an information reading means.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Linnartz into the system of Ichimura and Kawamoto to include an information reading means, because the reading means also comprises a control unit which has the function to detect the physical mark, and to control a control switch which blocks the output in dependence of the copyright information (see column 7, lines 26-30 of Linnartz).

Referring to claim 11:

This claim has limitations which are similar to those of claim 10, thus it is rejected with the same rationale applied against claim 10 above.

Referring to claim 12:

Ichimura, Kawamoto and Linnartz teach the claimed subject matter: a method for transmitting stream data to recording and playback apparatus. Linnartz



Art Unit: 2135

further discloses that the system includes a display means (see figure 5, element 58; and column 8, lines 41-43 of Linnartz).

Referring to claim 19

This claim has limitations which are similar to those of claim 12, thus it is rejected with the same rationale applied against claim 12 above.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

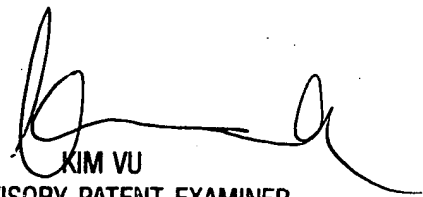
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Pan whose telephone number is 571-272-5987.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Joseph Pan

June 28, 2005

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100